

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed December 28, 2005. At the time of the Office Action, Claims 1, 2 and 4-18 were pending in this Application. Claims 1, 2 and 4-18 were rejected.

Rejections under 35 U.S.C. § 112

With respect to Claim 13, the Examiner states that this claim was rejected under 35 U.S.C. § 112, second paragraph, because it recites the limitation “the tool tracking subsystem” in line 1 and there is insufficient antecedent basis for this limitation in the claim. Applicants amend Claim 13 to overcome this rejection.

Rejections under 35 U.S.C. §103

Claims 1-2, 4, and 10-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,804,578 issued to Touraj Ghaffari (“Ghaffari”) in view of U.S. Patent Publication No. 2003/0132298 issued to Jerome Swartz et al. (“Swartz”). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Claims 1 and 18 have been amended to recited additional features of the invention, which are not taught or suggested by the cited references. Specifically Claims 1 and 18 have been amended to recite features of the personnel tracking subsystem, which permit the safety of personnel to be monitored. Also, data collected from the personnel tracking devices permit the system to associate tools with a particular user at a particular location. The personnel tracking device reads a tool ID, and also transmits the user’s location and identification to the command and control system.

The personnel tracking devices of the present invention have multiple functions. They forward ID data from reading tagged articles, they forward their own ID data, their location, and physiological data. The system of the present invention combines tool tracking with personnel security.

Furthermore, the tools tagging system has a portal scanner which communicates with the command and control subsystem. Based on the recitations of Claims 1 and 18, the command and control system can determine when tools leave a portal, what tools are in use, where they are, and who is using them.

Ghaffair teaches only a system for tracking articles. Although Ghaffair teaches the use of mobile readers, it does not teach that the mobile readers transmit data about the location and identity of the mobile reader itself.

In fact, Ghaffair teaches away from using the transmitted location data representing the location of the reader to infer the location of the article. In Ghaffair, the location of an article is determined by its distance from the reader, which implies that the location of the reader is known. (col. 10, lines 55-63).

Neither of the cited references teach or suggest the use of a personnel-carried tracking device to monitor personnel safety by monitoring physiological conditions. In this day and age, "security" means asset retention of tools and materials as well as physical safety of personnel, and the system of Claims 1 and 18 achieves all of these goals.

Swartz teaches a system for collecting data about articles, using a hand held reader (portable terminal). There is no teaching or suggestion in Swartz that the portable terminal is used to identify the user. In fact, Swartz teaches away from this concept by teaching that the portable terminals are interchangeable among users [0045].

Thus, neither Swartz nor Ghaffair teaches or suggests a system that associates a particular user with his tools, his location, and his health status. For example, neither Ghaffair nor Swartz could be used to obtain the information: "Employee #1234 is currently using Drill # 1234, at location ABC, and his physiological conditions are normal".

For the above-stated reasons, Claims 1 and 18 are allowable, as are their dependent claims.

New Claims 19- 28

New Claim 19 recites an additional feature of the invention not taught or suggested by the cited references. It is supported on page 13, lines 20-22.

Claims 20 - 28 are dependent on Claim 18, and conform to dependent claims of Claim 1.

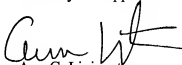
CONCLUSION

Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of all pending claims.

Applicants authorize the Commissioner to charge \$75.00 for new dependent claims to Deposit Account No. 50-2148 of Baker Botts L.L.P. Applicants believe there are no further fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2634.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorney for Applicants



Ann C. Livingston
Reg. No. 32,479

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SEND CORRESPONDENCE TO:
BAKER BOTTS L.L.P.
CUSTOMER ACCOUNT NO. **31625**
512.322.2634
512.322.8383 (fax)